

MELINDA HAAG (CABN 132612)
United States Attorney

DAVID R. CALLAWAY (CABN 121782)
Chief, Criminal Division

ANDREW M. SCOBLE (CABN 124940)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7249
FAX: (415) 436-6753
Email: andrew.scoble@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	CASE NO. CR 12-0625 WHA
)	
v.)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME FROM OTHERWISE
JAIME BALAM,)	APPLICABLE SPEEDY TRIAL ACT
a/k/a "Tweety,")	COMPUTATION
)	
Defendant.)	
)	
)	

STIPULATION

IT IS HEREBY STIPULATED by the parties, through undersigned counsel, that:

The period from May 5, 2015 through and including October 13, 2015 may be excluded from the otherwise applicable Speedy Trial Act computation because failure to grant the continuance as requested would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Specifically, the defense requests the continuance, and the parties stipulate to its appropriateness, for the following reasons. As has been previously stipulated by the parties, the defendant is charged in a pending ten-count indictment, which includes, among others, significant racketeering-related conspiracy

1 and murder charges. The defendant, following a lengthy extradition process in Mexico, is in custody
2 pending his scheduled trial on April 10, 2017. That trial will involve allegations that the defendant is, or
3 at least was, a member of a San Francisco-based clique of the transnational gang, *La Mara Salvatrucha*
4 (MS-13). Defense counsel's preparation for that trial entails, among other things, review of tens of
5 thousands of pages of discovery produced by the government in *United States v. Ivan Cerna, et al*, CR
6 08-0730 WHA; the record of the trial in *United States v. Danilo Velasquez and Luis Herrera*, CR 08-
7 0730 WHA; and further discovery bearing specifically on the defendant.

8 The parties appeared before the Court on May 5, 2015 for a further status hearing. The
9 defendant was represented by Richard A. Tamor and assisted by sworn Spanish interpreter Melinda
10 Basker. The government was represented by Assistant U.S. Attorney Andrew M. Scoble. At the
11 hearing, the parties stated that they had reviewed, and had no objections to, the Tentative Scheduling
12 order (Dkt #21) issued by the Court on April 21, 2015. The Court again conducted a *voir dire* of the
13 defendant to explain his rights under the Speedy Trial Act, including the right to a speedy trial with
14 appointed counsel. The Court explained to the defendant that it has allowed him a lengthier than usual
15 amount of time prior to the scheduled trial, based on his counsel's represented need for that amount of
16 time. The Court pointed out that, under the current schedule, the defendant will remain in custody until
17 completion of his trial, which is not scheduled to begin until April 10, 2017. The Court further
18 explained that it can, if the defendant wishes, appoint different counsel for him, at public expense, so
19 that he can go to trial well before April 10, 2017. The defendant again confirmed his request to have
20 Mr. Tamor represent him in this case, and the defendant in open court waived his right to a speedy trial.

21 The Court put the case over to October 13, 2015 at 2:00 p.m. for further status, as well as for
22 further inquiry regarding the defendant's continued waiver of time under the Speedy Trial Act. The
23 parties stipulated to an exclusion of time, until that date, from the otherwise applicable Speedy Trial Act
24 computation, based on the need for effective preparation of counsel.

25 //

26 //

27 //

28 //

1 The parties therefore agree that the Court may enter the proposed Order set forth below.

2
3 DATED: May 6, 2015

Respectfully submitted,

4 MELINDA HAAG
5 United States Attorney

6
7 /S/
8 ANDREW M. SCOBLE
9 Assistant United States Attorney

10 DATED: May 6, 2015

11 /S/
12 RICHARD A. TAMOR
13 Attorney for Defendant Jaime Balam

14 ~~PROPOSED~~ ORDER


15 Based upon the above Stipulation, and upon the representations of the parties at the May 5, 2015
16 status hearing in this case, THE COURT FINDS THAT the ends of justice served by granting a
17 continuance from May 5, 2015 through and including October 13, 2015 outweigh the best interest of the
18 public and the defendant in a speedy trial; that failure to grant such a continuance would unreasonably
19 deny the defendant the reasonable time necessary for effective preparation, taking into account the
20 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

21 Accordingly, THE COURT ORDERS THAT:

22 The period from May 5, 2015 through and including October 13, 2015 is excluded from the
23 otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

24 IT IS SO ORDERED.

25 DATED: May 13, 2015

26 
27 WILLIAM H. ALSUP
28 United States District Judge